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January 30, 2019

**VIA FIRST CLASS MAIL**

The Honorable Patrick McDonnell  
Secretary, Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
16<sup>th</sup> Floor  
Harrisburg, Pa 17101

Re: **Rockhill Quarry, East Rockhill Township, Bucks County, PA**

Dear Secretary McDonnell,

I am writing to you with respect with the above-referenced quarry and the mining permit issued by DEP in connection with it (mining permit no. 79745M1C6). I represent the quarry owner, Hanson Aggregates Pennsylvania, LLC, and the quarry operator, R.E. Pierson Materials Corporation, in connection with a pending federal court lawsuit, captioned as East Rockhill Township v. Richard E. Pierson Materials Corp., et al, 2:18-cv-02382-GAM, against East Rockhill Township and certain Township officials. This lawsuit alleges, among other things, actions taken by defendants violated my clients' due process rights under Section 1983 of the Federal Civil Rights Act.

I attended a public meeting on Saturday, January 19, 2019, that was organized by three elected officials and the neighbors surrounding the Rockhill Quarry. The main topic of the meeting was for the elected officials to update the residents and answer their questions as to (a) a meeting the three elected officials recently had with representatives of DEP, and (b) the action steps the elected officials intended to take moving forward in an attempt to persuade DEP to either revoke the mining permit or further restrict operations. In this regard, I am writing you to advise you as to some potentially troubling statements made by Pennsylvania State Senator Santarsiero at this meeting. Specifically, please note the following:

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California	Colorado	Delaware	District of Columbia	Florida	Georgia	Illinois	Minnesota
Nevada	New Jersey	New York	North Carolina	Pennsylvania	South Carolina	Texas	Washington



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1. Senator Santarsiero questioned the “credibility” of DEP records confirming that the quarry operator, going back 30 years, satisfied the requirement to remove 500 tons of material per year from the Rockhill Quarry. Senator Santarsiero then advised the residents as to an investigation he demanded that DEP complete as to compliance with this requirement with his goal being to convince DEP to (a) revoke the existing mining permit, and (b) make the quarry operator and the quarry owner file a new application for a mining permit under DEP’s current regulations. In this regard, please note the following:
  - (a) We would request that the Department provide us with notice of any further meetings with Senator Santarsiero and any other elected officials concerning this quarry so that my clients can attend these meetings to protect their rights.
  - (b) We would request that the Department copy our office on any emails or other correspondence between DEP and Senator Santarsiero or other elected officials as to our clients’ property so that my clients have an opportunity to respond to any allegations of non-compliance with DEP regulations.
  - (c) Please be aware as to correspondence and other documents issued by DEP, over the last 30 or so years, confirming compliance with the 500 ton per year removal requirement, including a letter, dated May 15, 2018, from Michael Menghini to Senator McIlhenny.
2. Senator Santarsiero advised the residents that he observed a “cozy” relationship between the DEP inspectors and the quarry operator and that “independent inspectors” may be needed in the future. Either Senator Santarsiero or another elected official referenced that the DEP regulators “may be getting too close” to those being “regulated” and that this relationship may require a further investigation by DEP. The clear implication of these statements was that some type of improprieties have taken place between DEP employees and representatives of the quarry owner and/or operator. These statements are not only outrageous and false, but were improperly being used to malign the integrity of the professionals working at DEP and to place some blame on DEP for permitting the operations at the Rockhill Quarry. In fact, right after making these comments, Senator Santarsiero asked the residents to acknowledge the support of the Chairman of the East Rockhill Township Board of Supervisors who evidently also attended the referenced DEP meeting and was in support of the positions being advocated at the public meeting. Senator Santarsiero did not advise the residents that:



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- (a) The property has been the only property ever zoned for use as a quarry in East Rockhill Township and has been used as a quarry for the past 100 plus years.
- (b) The Township issued zoning permit/licenses for the quarry use every year dating back to at least 1991.
- (c) The Township Zoning Officers, over the last 26 years, despite collecting and cashing the checks from the quarry operator and issuing annual zoning permits to them, never once inspected the quarry property or inquired with DEP as to the status of the mining permit.

Now, after more than thirty years of regulation and enforcement by the Township and DEP, in order to maintain the mining permit, Senator Santarsiero, a newly elected governmental official, questioning prior regulatory practices by DEP and attempting to pressure the Department into revoking, without proper due process, my clients' mining permit.

- 3. Senator Santarsiero advised the residents that he was demanding DEP to require the quarry owner/operator to install a liner in the recently constructed storm water detention basins to prevent water infiltration, which is not required by the regulations.
- 4. Senator Santarsiero advised the residents that he was demanding DEP to require the quarry owner/operator, in response in the quarry owner/operator self-reporting their discovery of a small trace amount of naturally occurring asbestos, to:
  - (a) Install and operate one or more misting machines on the property.
  - (b) Deliver and place "fresh rock" at the quarry over any area to be blasted.
  - (c) Install and operate multiple air monitoring machines on the quarry property and the surrounding neighboring properties.
- 5. Senator Santarsiero advised the residents, through his Chief of Staff, Rose, that the quarry operator only obtained a "preliminary" permit for their asphalt plant, but are required to obtain an operating permit to commence the production of asphalt at the quarry property and that such an operating permit would not be issued until (a) public meetings are held by DEP to receive comments from the surrounding neighbors and others as to the proposed asphalt plant, and (b) the zoning issues with the Township are all resolved. The clear implication of this statement was that the quarry owner/operator had no right to commence asphalt production unless and until additional public meetings were held and additional approvals were issued by DEP.



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That is not my understanding as to my clients' rights under the general permit issued by DEP for the asphalt plant.

What Senator Santarsiero did not talk about at this public meeting was the rights of the quarry owner/operator. Thus the purpose for this letter to you. My clients want your assurance that Senator Santarsiero, given his position as a Pennsylvania State Senator and his clear intentions, as conveyed at this public meeting, to get DEP to revoke the mining permit, is not allowed to intimidate any employees of DEP into taking action that does not respect the due process rights of my clients. My clients have fully complied with the requirements of DEP as to the operations at the Rockhill Quarry and the DEP inspectors and permit reviewers have all completed their work in a professional and proper manner to confirm such compliance. The implications by Senator Santarsiero of prior "improprieties" by DEP inspectors or a "cozy relationship" between the DEP inspectors and the quarry owner/operator are not true and being used by Senator Santarsiero as a "red herring" to distract DEP from the true facts. That is, the quarry owner and operator have followed the "letter of the law" and are continuing to operate a quarry that has operated at this location for over 100 years in strict compliance with DEP regulations. The fact that new residents have built homes around the quarry over the last 40 years, new residents have moved into existing homes without knowledge as to the existence of this quarry, or that the Township has failed to improve the roadways to accommodate truck traffic, cannot be blamed on the quarry owner and operator. Hold my clients to the strict letter of the law? Absolutely. Manipulate the factual history to revoke the mining permit to satisfy the residents who do not want the quarry in their backyard? Absolutely not.

Finally, as I am sure that you are aware in your position, there are always two sides to a story. Please be sure to fully investigate and get both sides before making any decisions that may adversely impact my clients' rights as to the Rockhill Quarry, as Senator Santarsiero appears to be advocating for the side of the residents who reside around the quarry and not the side of the business owners who own and operate the quarry. Thank you for your consideration.

Sincerely,

Robert W. Gundlach, Jr.

cc:

Michael J. Menghini, Pottsville District Mining Manager, DEP  
Patrick Patterson, Regional Director, Southeast Region, DEP  
Matt Burns, Esquire, Hanson Aggregates Pennsylvania, LLC



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ATTORNEYS AT LAW

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Richard E. Pierson, President, R.E. Pierson Materials Corp.

Curt Mitchell, R.E. Pierson Materials Corp.

Honorable Brian Fitzpatrick, Member of Congress

Senator Steven J. Santarsiero, Pennsylvania State Senate

Honorable Craig T. Staats, Pennsylvania House of Representatives



10TH DISTRICT  
STATE SENATOR  
**STEVE SANTARSIERO**

SENATE BOX 203010  
THE STATE CAPITOL  
HARRISBURG, PA 17120-3010  
717-787-7305



## Senate of Pennsylvania

February 14, 2019

The Honorable Patrick McDonnell  
Secretary, Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

Re: Rockhill Quarry

Dear Secretary McDonnell,

I have received a copy of a letter addressed to you from Robert W. Gundlach, counsel for Hanson Aggregates Pennsylvania, LLC and R.E. Pierson Materials Corporation, dated January 30, 2019. Although as a member of the State Senate I serve in a co-equal branch of our state government, I am writing in response to that letter, because I value our office's working relationship with the Department on this matter and others and, as a consequence, believe that Mr. Gundlach's claims should not be left unanswered lest silence be treated as assent.

In my years in public service and private law practice, it has been my observation that, at times, a lawyer's zeal in advocating for his or her client's interests can lead to a troubling disregard for the facts. Such appears to be the case here.

I will address Mr. Gundlach's points in order and with appropriate brevity.

**1. Credibility of Documents.** I have questioned the credibility of the information that allegedly establishes continuous operations at the Quarry since the 1980s. That information is based on reporting of the Quarry owner/operator. My understanding is that the Department shares my concerns, which is why it is undertaking an internal investigation on this issue.

**2. The Relationship between DEP and the Quarry.** Mr. Gundlach's statements on this point are, simply stated, false. If you care to, you can watch the public meeting in question by going to <https://www.youtube.com/watch?v=aCmrt6yPXdw&feature=youtu.be>.

**3. Retention Basins.** I have made no demands regarding an impervious liner. However, I believe that the Department should consider requiring the operator to install them in each basin to better prevent groundwater contamination. Please treat this letter as a request that it be made to do so.

The Honorable Patrick McDonnell

February 12, 2019

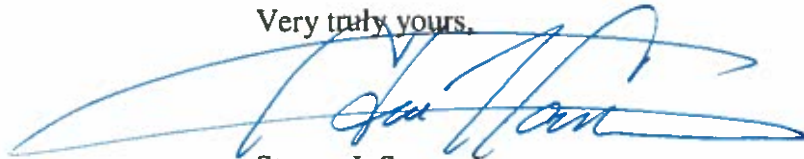
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4. **Asbestos Abatement.** It was the Department that stated at our January meeting that it would require misting machines and the referenced air monitoring. I have no idea what Mr. Gundlach is referring to when he writes about fresh rock.

5. **Asphalt Plant Operations.** My chief of staff did not describe the permit as preliminary. As to the remainder of Mr. Gundlach's statements, we disagree with his understanding of the regulatory process.

Finally, in the concluding paragraphs of his letter, Mr. Gundlach repeats the false claim that I have alleged improprieties on the part of the Department or that it has a "cozy relationship" with the owner and operator of the Quarry. What I have said – and will repeat here – is that I expect the Department to require that Mr. Gundlach's clients comply with the letter of the law. Residents, for whom I will continue to advocate, are entitled to no less.

Very truly yours,



Steven J. Santarsiero  
PA Senator, District 10

CC: Richard E. Pierson, President, R.E. Pierson Materials Corp.  
Curt Mitchell, R.E. Pierson Materials Corp.  
The Honorable Brian Fitzpatrick, U.S. House of Representatives  
The Honorable Craig T. Staats, Pennsylvania House of Representatives



10TH DISTRICT  
STATE SENATOR  
**STEVE SANTARSIERO**

SENATE BOX 203010  
THE STATE CAPITOL  
HARRISBURG, PA 17120-3010  
717-787-7305



## Senate of Pennsylvania

February 25, 2019

The Honorable Patrick McDonnell  
Secretary, Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

Re: Rockhill Quarry

Dear Secretary McDonnell,

As you may know, a question has arisen regarding the historic operation of the Rockhill Quarry (the Quarry) in East Rockhill Township. Specifically, both the lack of complete records and the nature of the records that have been discovered regarding Hanson Aggregates' (Hanson) operations of the site over the last 40 years or so call into question whether Hanson has complied with the requirement that at least 500 tons of stone be removed from the Quarry on an annual basis to be considered an ongoing operation, and, therefore, one that does not require a new operating permit. At the meeting that I attended with a representative of Congressman Brian Fitzpatrick, state Representative Craig Staats and Township Supervisor Gary Volovnik on January 9, 2019, the DEP stated that it was conducting its own internal investigation on this issue as the available evidence had raised similar questions at the Department.

We do not know what the scope of that investigation is, but would like to ask that the Department look into the following as part of its review and, to the extent available, provide our office with copies of relevant documents as well:

- All documents underlying alleged truckloads of stone leaving the Quarry from 1980 through 2018, such as scale certificates signed by weigh masters and inventory records;
- All records relating to stockpiles of stone at the site from 1980 through 2018;
- The apparent inconsistency in records regarding the amount of stone removal in 1983 and 1986;
- All documents relating to alleged consistent truck weights from 2010, 2011, and 2013;
- All documents relating to the reported removal of exactly 500 tons of stone in 1998, 1999, 2000, 2008, 2011, and 2012;

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- The identification and interviews of former DEP inspectors and Hanson employees with knowledge of this issue; and
- Historical aerial photos of the Quarry between 1980 and 2018.

Thank you for looking into this issue further. I look forward to the results of the Department's continued investigation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven J. Santarsiero", with a large, sweeping flourish at the end.

Steven J. Santarsiero  
PA Senator, District 10

CC: Honorable Brian Fitzpatrick, Member of Congress  
Honorable Craig T. Staats, Pennsylvania House of Representatives



February 27, 2019

The Honorable Patrick McDonnell  
Secretary, Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

Re: Rockhill Quarry

Dear Secretary McDonnell,

We are writing on behalf of the Bucks County residents who will be impacted by a continuation of mining operations at the Rockhill Quarry in East Rockhill Township. As you may be aware, we met with officials from DEP on January 9<sup>th</sup> of this year to discuss the Quarry. At that meeting, the Department provided us with an update on the status of a number of issues related to the Quarry's operations and we had an opportunity to ask questions. Topics that we discussed included documentation associated with past mining operations, the discovery of natural-occurring asbestos on site, and various other matters concerning recent quarry activity and their impacts on the health of residents.

At the meeting, we discussed the importance of communication and keeping residents informed about the status of operations, and the DEP's actions at the site. Consistent with that discussion, we would like to formally request the following from the DEP:

- Hold quarterly meetings, beginning in March, with residents to provide updates on the status of the Quarry and to answer questions posed by residents.
- Hold monthly conference calls, beginning in March, with us as well as representatives of East Rockhill Township and the Pennridge School District to provide updates on the status of the Quarry and to answer questions.
- Create a "Community Information" page on the DEP website to provide the public with updates and documentation pertaining to the Quarry.

We look forward to working with the Department to ensure that the people of East Rockhill stay informed on this matter. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Brian K. Fitzpatrick".

Brian Fitzpatrick  
Member of Congress

A handwritten signature in black ink that reads "Steven J. Santarsiero".

Steven J. Santarsiero  
PA State Senator

A handwritten signature in black ink that reads "Craig Staats".

Craig Staats  
PA State Representative